

AGENDA
CITY OF NORTH SIOUX CITY, SOUTH DAKOTA
REGULAR MEETING OF THE CITY COUNCIL
AUGUST 5, 2013
7:00 P.M. – CITY HALL

1. Call meeting to order at 7:00 P.M.
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: July 15, 2013, Regular Meeting
6. Mayor: Don Fuxa
 - A. Public Hearing – Rezoning (7:00 p.m.)
 - B. Amendment to Chapter 8.08.040 (Noxious Vegetation) – Second Reading
 - C. National Night Out
 - D. SDML Annual Meeting
 - E. Statewide Transportation Improvement Program
 - F. Survey Plat – Avalon (New Library Property)
 - G. Declare Surplus Property – (Two Picnic Tables)
 - H. 2014 Budget Schedule
7. Community and Council Input
8. Executive session*
9. Approval of Fines
10. Approval of Bills
11. Adjournment

***SDCL 1-25-2 (sections 1-5) allows a majority of the body present to vote to close a meeting when discussion revolves around personnel, legal matters or contract negotiations. Meetings may also be closed for certain economic development matters (SDCL 9-34-19).**

**UNAPPROVED
CITY OF NORTH SIOUX CITY, SOUTH DAKOTA
REGULAR MEETING OF THE CITY COUNCIL
AUGUST 5, 2013
7:00 P.M. CITY HALL**

Meeting called to order at 7:00 p.m. by Council President Meyer. Roll call: Parks, Leitru, Christiansen, Meyer, Headid, Beavers, Rogers and Verdoorn were present.

Council President Meyer led the Pledge of Allegiance.

Motion by Parks, second by Leitru to approve the agenda as presented. Unanimous.

Motion by Headid, second by Leitru to approve the July 15, 2013, regular Council meeting minutes as presented. Unanimous.

Public hearing on request to rezone the following property from Single Family Residential District (R-1) to Business District-Restricted (B-R) was opened at 7:01 p.m.

Address: 335 Wycoff Drive, North Sioux City, South Dakota

Legal Description: LOTS 1 AND 3 STOOS ADDITION, IN LOT B, JOHNSON TRACT 1, AND MERRILL TRACT 1, IN THE SE ¼ OF THE SE ¼ OF 4-89-48 AND SW ¼ OF THE SW ¼ OF 3-89-48 OF THE 5TH P.M., NORTH SIOUX CITY, UNION COUNTY, SOUTH DAKOTA

No public input. Motion by Leitru, second by Headid to close public hearing at 7:06 p.m. Unanimous. Motion by Leitru, second by Christiansen to approve the rezoning request as presented. Unanimous.

Motion by Christiansen, second by Headid to approve the second reading of amendments to Ordinance #8.08.040 (Noxious Vegetation). Unanimous. The amendments are intended to simplify and streamline the abatement/assessment process.

AN ORDINANCE AMENDING NOXIOUS VEGETATION ORDINANCE SECTION 8.08.040.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF NORTH SIOUX CITY, SOUTH DAKOTA:

Chapter 8.08.040 of the North Sioux City Municipal Code is amended to read as follows:

8.08.040 Noxious vegetation.

A. Definitions. The following named weeds and plants shall be deemed noxious, dangerous and unhealthful vegetation and are declared to be nuisances: ragweed, parsley, pigweed, nettle, thistle, sunflower, goldenrod, tumbleweed, burdock, cocklebur, wild oats, dandelions, sticktight, milkweed, mustard greens, and any and all other weeds and plants the South Dakota Weed and Pest Control Commission and the South Dakota Department of Agriculture may publish on their list of state weeds.

B. Duty to Cut. It shall be the duty of the occupant, person in charge of, or owner of any lot in the city to keep such lot free from noxious vegetation or weeds and to cut such noxious vegetation at such time as may be necessary to prevent its growth.

C. Notice to Abate and Abatement by City. The Finance Officer shall annually, on or before May 1 each year, publish once a week for two consecutive weeks a Notice to Property Owners generally setting forth the duty to control weeds and other vegetation which might be a nuisance in violation of this Section. The Finance Officer or his or her designee may cause a Notice to Abate Nuisance to be served, by posting of notice on such property within view of the public, upon any property owner who fails to comply with the published notice or any person at any other time has weeds or other vegetation. Upon failure, neglect or refusal of any owner, agent or occupant so notified to comply with said notice within five (5) days thereof, the Finance Officer or his or her designee is hereby authorized and empowered to provide for the cutting, destroying or removal of the weeds, grass or other noxious matter and stabilize the soil if necessary. The City may defray the cost of the work, including administrative costs, by special assessment against the property as set out in Section 8.08.040(D).

D. Costs Recovered. The Finance Officer shall cause an account to be kept against each lot upon which work is done pursuant to Section 8.08.040(C) and shall, after completion of the work, bill the owner of the property for such work. If not paid within thirty (30) days thereafter, the Finance Officer shall thereupon add such assessment to the general assessment against said property. The Finance Officer shall certify such special assessment together with the regular assessment to the Union County Auditor to be collected as municipal taxes for general purposes.

Said assessment shall be subject to review and equalization the same manner as assessments or taxes for general purposes. In lieu of special assessment, the City Council may institute a civil action against the owner or occupant of such property to recover said account.

E. Habitual Violators. If the owner or person in control of any land that has previously received a notice to abate nuisance relating to weeds within the preceding 24 months, then the notice to abate nuisance may include notice that such owner or person in control of said property will be considered to be a habitual violator of this section and that if the nuisance is not abated within the allowed time, the City will consider the property to be subject to having a contract let by the City for mowing property as needed up to a weekly basis for the next following 24-month period of time and that the full cost of said contract together with an administrative fee of two hundred dollars (\$200.00) will be assessed against the property. (Ord. 366 §§ 1--5, 2002: prior code § 3.0104) (Amended August 5, 2013)

EFFECTIVE DATE. The above Ordinance shall be in full force and effect 20 days after publication pursuant to South Dakota law.

Dated this 5 day of August, 2013.

Chuck Meyer, Council President

ATTEST:

Donna Houck, Finance Officer

First Reading: July 15, 2013

Second Reading: August 5, 2013

Published: August 15, 2013

It was noted that National Night Out will be held on August 6, 2013, at the Dakota Valley Elementary School complex. Activities are scheduled to begin at 6:00 p.m.

It was reported that the South Dakota Municipal League Annual Conference will be held in Aberdeen, South Dakota, on October 8-11, 2013. Interested Council members should register with the finance office.

It was noted that the South Dakota Department of Transportation's Statewide Transportation Improvement Program (STIP) plan has been released. The resurfacing of Highway 105 from I-29 Exit 4 to Military Road in North Sioux City (approximately 1.9 miles) remains on the STIP for FY 2014, with preliminary work on the project anticipated to begin as early as FY 2013. Motion by Beavers, second by Parks to authorize Mayor Fuxa to sign the Comprehensive Funding Agreement for the aforementioned project. Unanimous.

Motion by Parks, second by Christiansen to approve the following survey plat. Unanimous.

Plat of Part of the S ½ of the NE ¼ of Section 15, T89N, R48W, 5th P.M. North Sioux City, Union County, South Dakota (Lot 21A)

Motion by Christiansen, second by Headid to declare two damaged picnic tables as surplus property. Unanimous.

It was noted that Council discussion on the FY 2014 municipal budget will begin during the regular Council meeting of September 3, 2013. Motion by Christiansen, second by Leitru to convene a special meeting of the Council on Monday, September 9, 2013, at 6:00 p.m. for continued discussion on the FY 2014 municipal budget. Unanimous.

During community/council input: 1.) Beavers raised concerns with code violations at a residential property and inquired about tourism advertising.

Motion by Christiansen, second by Rogers to enter Executive Session at 7:17 p.m. in accordance with SDCL 1-25-2 (sections 1 and 4) to discuss personnel and contractual matters. Unanimous.

Regular session resumed at 7:49 p.m.

Motion by Leitru, second by Parks to accept the resignation/retirement of Police Chief Jody Frye and authorize the Human Resources office to begin advertising for the vacated position. Unanimous.

Motion by Parks, second by Verdoorn to appoint Sergeant Rich Headid as Acting/Interim Police Chief. Ayes: Parks, Leitru, Christiansen, Meyer, Beavers, Rogers and Verdoorn. Headid abstained. Motion passed.

No fines to report.

Motion by Headid, second by Verdoorn for the approval of bills. Unanimous.

US BANK ONE CARD	3,056.09	July 2013 – CC CHARGES
AFLAC	795.94	JUL 2013 PREMIUMS
COVENTRY HEALTH & LIFE INS CO	15,873.75	AUG 13 PREMIUMS
KNOLOGY	578.64	JUL 2013 CELL CHARGES
PRINCIPAL LIFE INSUR CO	1,916.15	AUG 13 LIFE/DTL PREMIUMS
AMERICAN LEGAL SERVICES	36.20	EMPLOYEE PD COVERAGE
BANYON DATA SYSTEMS, INC	485.00	8/2013-7/2014 POINT OF SALE SUPPORT
BARNES & NOBLE INC	600.16	BOOKS
PAT BENSON	150.00	2QTR 2013 P&Z MTGS
C. W. SUTER SERVICES INC	318.00	INSTALL GLYCOL

CITY OF SIOUX CITY IOWA	12,390.80	3QTR 2013 WOODBURY CTY COMM SVCS
CITY OF SIOUX FALLS	203.00	APR-JUN 2013 BACTERIA WATER TEST
CORE ADVANCED TECHNOLOGIES	54.44	AC ADAPTOR, LAPTOP
CRARY, HUFF, INKSTER, SHEEHAN,	2,795.50	NEW LIBRARY CONSTRUCTION
DELL MARKETING L.P.	8,513.80	CITY HALL SERVER RPL
DERBY INSURANCE SVCS, INC	1,626.00	AUG 2013-AUG 2014 HRC DIR & OFFICERS
ELECTRIC INNOVATIONS	1,132.00	AUG 13 TECH SUPPORT-PD
ELECTRIC PUMP	122,530.72	FLYNN LIFTSTATION PUMP REPLACE
ELECTRONIC ENGINEERING	14.94	PARTS
FOUR SEASONS NORTH	124.75	JULY 2013 - FITNESS CTR MEMBER
GREATER DAKOTA VALLEY JAYCEES	1,750.00	2013 COM SWIM PARTY & MEMBERSHIP
H2O 4 U	31.50	BOTTLED WATER - CITY
HAWKINS, INC	1,903.90	WATER CHEMICALS
HD SUPPLY WATERWORKS, LTD	17,746.71	LAGOON PROJECT SUPPLIES
JACK'S UNIFORMS & EQUIPMENT	11.70	LITHIUM BATTERY
JANITOR DEPOT, INC.	528.85	JANITORIAL SUPPLIES
K & P SERVICES, INC	439.55	JUL 2013 TOILET RENTAL
KEVIN O'DELL ELECTRIC, INC.	709.79	INSTALL
LAW ENFORCEMENT SYSTEMS, INC.	41.00	PARKING VIOLATION LABELS
LEADER-COURIER	28.00	2013-2014 PD SUBSCRIPTION
LINDEN, BAYNE	200.00	2QTR 2013 P&Z MTGS
MAJESTIC SOUND	150.00	2013 NATIONAL NIGHT OUT
MARTEL ELECTRONICS, INC	19.00	REPLACEMENT PURCHASE
PAUL MICHELS CONCRETE	800.00	CONCRETE AND LABOR FOR VETERAN
MIDAMERICAN ENERGY	402.91	JUN-JUL 2013 UTILITY CHARGES
RICK MINOR	200.00	2QTR 2013 P&Z MTGS
NATE'S FINE SHINE	438.76	PD CLEANING SUPPLIES
OFFICE SYSTEMS CO	71.72	AUG 2013 PER COPY EXP
QUALIFIED PRESORT SVC, LLC	419.45	13 PRT/POSTAGE UTILITY BILLS
ROBERTSON IMPLEMENT CO	552.59	TRIMMER PARTS & REPAIR
SD ASSOC OF RURAL WATER SYS	625.00	ANNUAL DUES
STATE RADIO COMMUNICATIONS	2,250.00	2H2013 TELETYPE SVC
SD DEPARTMENT OF LABOR	424.00	UNEMPLOYMENT
SD DEPT OF REVENUE	323.00	BODS/SOLIDS
SEWER-MATIC	3,477.98	RIVER VALLEY
SIGLER FIRE EQUIPMENT CO.	225.80	ANNUAL FIRE EXT INSPECT/MAINT
SIOUX CITY JOURNAL	236.60	2013 PD-52 WEEK SUBSCRIPTION
SIOUXLAND CONCRETE CO.	322.50	CONCRETE FOR CENTENNIAL PARK
SIOUXLAND CONCRETE PRODUCTS	90.00	SODRAC - TWO 8" X 27" RISERS
SIOUXLAND INTERSTATE METRO	2,894.00	2014 DUES URBAN TRANSPORTATION
DONALD STREETER	200.00	2QTR 2013 P&Z MTGS
THE GUTTER SERVICE	240.00	INSTALL DOWNSPOUT ON MAINTENAN
TOWN & COUNTRY LAWN SERVICE	456.75	JUL 2013 CITY HALL
VERIZON WIRELESS	724.74	JUL 13 CELL PHONES
WESTERN OFFICE TECHNOLOGIES	268.09	SUPPLIES
WIGMAN COMPANY	86.93	3/4" INV KEY STOP & DRAIN
WOODBURY CTY DIS & EMERG SERV	403.64	MAY-JUN 2013 STARCOMM
ZEE MEDICAL SERVICE	215.80	STOCK FIRST AID CABINET-POLICE
ZEISLER CONSTRUCTION, INC	35,676.01	LAGOON AIR PIPING REPLACEMENT

As required by SDCL 6-1-10, the following is a list of the July 2013 payroll by department:

Council / P&Z	200.00
Finance	12,341.74
Library	4,686.50
Police	28,391.51
Public Works	18,881.63

Adjournment was at 7:51 p.m., motion by Beavers and second by Headid. Unanimous.

CITY OF NORTH SIOUX CITY

Chuck Meyer, Council President

ATTEST:

Donna Houck, Finance Officer

ATTEST:

Kory Menken, Human Resources Director